1	Application No.	Applicant(s)	
Notice of Allowability	09/800,226	KOVACEVIC, BRANKO D.	
	Examiner	Art Unit	
	Kim Huynh	2182	
The MAILING DATE of this communication appe All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RI of the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED or other appropriate comr GHTS. This application is	in this application. If not included nunication will be mailed in due course. THIS	e
1. This communication is responsive to 3/6/01.			
2. 🔀 The allowed claim(s) is/are <u>1-23</u> .			
3. \boxtimes The drawings filed on <u>06 March 2001</u> are accepted by the	Examiner.		
 4. Acknowledgment is made of a claim for foreign priority uner a) All b) Some* c) None of the: 1. Certified copies of the priority documents have 2. Certified copies of the priority documents have 	been received.		•
3. Copies of the certified copies of the priority doc	cuments have been receiv	ed in this national stage application from the	
International Bureau (PCT Rule 17.2(a)).			
* Certified copies not received:			
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.			
5. A SUBSTITUTE OATH OR DECLARATION must be submit INFORMAL PATENT APPLICATION (PTO-152) which give			
6. CORRECTED DRAWINGS (as "replacement sheets") mus	t be submitted.		
(a) 🔲 including changes required by the Notice of Draftspers	on's Patent Drawing Revi	ew (PTO-948) attached	
1) 🗌 hereto or 2) 🔲 to Paper No./Mail Date			
(b) ☐ including changes required by the attached Examiner's Paper No./Mail Date	Amendment / Comment	or in the Office action of	
Identifying indicia such as the application number (see 37 CFR 1. each sheet. Replacement sheet(s) should be labeled as such in the	84(c)) should be written on ne header according to 37 (the drawings in the front (not the back) of FR 1.121(d).	
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.			
Attachment(s) 1. ☑ Notice of References Cited (PTO-892)	E □ Nation of	Informal Datast Application (DTO 452)	
Notice of References Cited (P10-692) Notice of Draftperson's Patent Drawing Review (PTO-948)		Informal Patent Application (PTO-152) Summary (PTO-413),	
	Paper No	o./Mail Date	
 Information Disclosure Statements (PTO-1449 or PTO/SB/0 Paper No./Mail Date 	8), 7. 🗌 Examiner	s Amendment/Comment	
4. Examiner's Comment Regarding Requirement for Deposit	8. 🛛 Examiner	s Statement of Reasons for Allowance	
of Biological Material	9. 🔲 Other	_	
U.S. Patent and Trademark Office			

1. The following is an examiner's statement of reasons for allowance:

Claims 1, 14, and 19 recite, inter alia, a method and apparatus for providing/reading a portion of data in response to a counter value being reached and controlling the data rate via 1) adjusting the counter value based on the a running average which is the difference between the actual ad desired bit rate or 2) leakage rate controller controlling the data rate read from the memory and a data rate monitor to determine the current data rate and the counter providing the read signal to access stored data in memory.

The references of record do not teach or suggest the aforementioned limitation, nor would it be obvious to modify those references to include such limitation.

- 2. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
- 3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Huynh whose telephone number is (703) 308-1678.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2182

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kim Huynh

Primary Examiner

Art Unit 2182

KH 8/19/04